

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

VS.

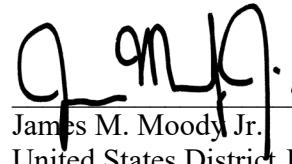
4:14CR000134 JM

GAUDENCIO ESPINOZA

ORDER

For this Court to grant a Certificate of Appealability, the petitioner must make a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c) (2); *Tiedeman v. Benson*, 122 F.3d 518 (8th Cir. 1997). A “substantial showing” is one in which a petitioner demonstrates that his “issues are debatable among jurists of reason; that a court could resolve the issues [in a different manner]; or that the questions are ‘adequate to deserve encouragement to proceed further.’” *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983) (discussing necessary showing under previous law dealing with certificates of probable cause). Mr. Espinoza has failed to make a substantial showing of the denial of a constitutional right. Accordingly, the Motion for Certificate of Appealability is DENIED.

IT IS SO ORDERED this 8th day of October, 2021.



James M. Moody Jr.
United States District Judge